

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 5/24/2024

MIRIAM CRUZ on behalf of herself and all others  
similarly situated,

Plaintiff,

Case 1:23-cv-03133

-against-

~~PROPOSED JUDGMENT~~

BAR 9 ENTERTAINMENT CORP.,

Defendant,

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This action having been commenced on September 14, 2022, by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on Defendant, on October 7, 2022, and an Offer of Judgment having been served by Defendant upon the Plaintiff pursuant to FRCP Rule 68 on November 24, 2023, and the Plaintiff having accepted the terms of the Offer of Judgment on November 26, 2023, it is:

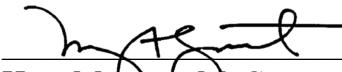
**ORDERED, ADJUDGED AND DECREED:**

- a. A preliminary and permanent injunction requiring Defendant to take the following steps necessary to make its Website into full compliance with the requirements set forth in the ADA, and its implementing regulations, so that the Website is readily accessible to and usable by blind individuals. Within 24 months from the date of this Judgment:
  1. Defendant will retain a qualified consultant acceptable to Plaintiff to assist Defendant in complying with WCAG 2.1 guidelines for

2. Defendant will cooperate with the agreed upon consultant to do the following: (1) train Defendant's employees and agents who develop the website on accessibility compliance under the WCAG 2.1 guidelines; (2) regularly check the accessibility of the website under the WCAG 2.1 guidelines; (3) regularly test user accessibility by blind or vision-impaired persons to ensure that Defendant's website complies with the WCAG 2.1 guidelines; and (4) develop an accessibility policy that is clearly disclosed on Defendant's website, with contact information for users to report accessibility-related problems.
- c. Compensatory damages in the amount of \$1,000, which includes all applicable statutory and punitive damages and fines to Plaintiff for violations of their civil rights under New York State Human Rights Law and City Law, and;
- d. An award of costs and expenses of this action together with reasonable attorneys' and expert fees incurred through November 24, 2023.;

May 24, 2024

Dated: New York, New York



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Hon. Margaret M. Garnett  
United States District Judge